

Remarks

Claims 1-4 are presently pending. Claims 1-4 have been rejected.

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(a) and 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. US 2003/0211049 A1 to Gerassi ("Gerassi"). The Examiner asserts that Gerassi discloses the invention as claimed including a cigarette lighter device 20 having a lighting mechanism 24, a housing member 22 and an external side surface. The Examiner contends that the bottom side of the reservoir 22 is the external side surface. In addition, the Examiner maintains that the cigarette lighter device 20 has a breath freshening dispenser 40 attached to the side surface for holding a plurality of edible breath fresheners.

This rejection is respectfully but strenuously traversed for the reasons set forth in detail below.

A rejection of a claim under 35 U.S.C. § 102(a) or 35 U.S.C. § 102(e) must anticipate each and every element of the claim in order for it to be proper. Gerassi fails to disclose every limitation of the claimed combination cigarette lighter and breath freshening dispenser. Thus, the

Examiner's rejection of claims 1 and 2 as anticipated by Gerassi is improper.

Contrary to the Examiner's assertion, Gerassi does not teach a combination cigarette lighter and breath freshening dispenser comprising a breath freshening dispenser attached to an external side surface of a cigarette lighter device, as recited in claim 1. Figure 1a of Gerassi depicts the lighter 20 with an attachment mechanism 28 and 30 extending from its bottom surface. Figure 1b shows a container 40 of breath freshening aid 44 with an attachment means 32 secured to its upper surface. As Figure 1c illustrates, the attachment mechanism 30 of the lighter 20 is fastened to the attachment mechanism 32 of the container 40. Gerassi provides no indication that the combination device can be reconfigured to position the lighter attachment mechanism 30 or the container attachment mechanism 32 in any other location, much less on the side surface of the lighter 20.

In sharp contrast, the breath freshening dispenser of the present invention is attached to the external side surface of the cigarette lighter device. The phrase "external side surface", as it is employed in claim 1, cannot be read to encompass the bottom surface of the lighter 20 of Gerassi without ignoring or greatly distorting the specification of the pending application. As Figures 1-3 of

the application make apparent, the side surface 18 of the cigarette lighter device 12 is that which extends between a top surface, along which the lighting mechanism 16 is positioned, and a bottom surface. It is in this region of the cigarette lighter device that the breath freshening dispenser of the combination apparatus defined by claim 1 is attached, clearly unlike the container of breath freshening aid of the combination unit described in Gerassi. Thus, Gerassi does not anticipate the invention of claim 1. Consequently, claim 1 is patentably distinct from the cited reference. Claim 2 depends directly from claim 1 and therefore contains all of its limitations.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection of claims 1 and 2 under 35 U.S.C. § 102(a) or 35 U.S.C. § 102(e), and enter the allowance thereof.

The Examiner has rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,364,263 to Doo-Seok ("Doo-Seok"). The Examiner asserts that Doo-Seok teaches the invention as claimed including a cigarette lighter device 10 having a lighting mechanism 1, a housing member 7 and an external side surface. The Examiner contends that the cigarette lighter device 10 has a breath freshening dispenser 28 attached to the side surface for holding a plurality of edible breath fresheners. In

addition, the Examiner maintains that Figure 6 shows the external side surface including a pair of mounted parallel tracks 31 for attaching the breath freshening dispenser 28 to the cigarette lighter device. With regard to the claim limitation of the dispenser being used for edible breath fresheners, the Examiner cites M.P.E.P. § 2131.05.

This rejection is respectfully but strenuously traversed for the reasons set forth in detail below.

A rejection of a claim under 35 U.S.C. § 102(b) must anticipate each and every element of the claim in order for it to be proper. Doo-Seok fails to disclose every limitation of the claimed combination cigarette lighter and breath freshening dispenser. Thus, the Examiner's rejection of claims 1-3 as anticipated by Doo-Seok is improper.

Doo-Seok does not disclose a combination cigarette lighter and breath freshening dispenser comprising a breath freshening dispenser attached to an external side surface of a cigarette lighter device, as recited in claim 1. Doo-Seok provides a gas lighter body 10 with an L-shaped recess 5 into which a housing 28 containing a disposable razor blade assembly can be inserted. The housing 28 is therefore a constituent part of a side surface of the lighter body 10. Given that a first element cannot be both a constituent part of a larger second element and also be attached to the second

element, and the previous discussion of the phrase "external side surface" recited in claim 1, Doo-Seok does not anticipate the combination cigarette lighter and breath freshening dispenser of claim 1. Claims 2 and 3 depend directly from claim 1 and therefore contain all of its limitations. Consequently, claims 1-3 are patentably distinct from the cited reference.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection of claims 1-3 under 35 U.S.C. § 102(b), and enter the allowance thereof.

The Examiner has rejected claims 1 and 4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,071,601 to Whittaker ("Whittaker"). The Examiner asserts that Whittaker discloses the invention as claimed including a cigarette lighter device having a lighting mechanism 20, a housing member 1 and an external side surface. The Examiner contends that the external side surface includes the back wall 2. In addition, the Examiner maintains that the cigarette lighter device has a breath freshening dispenser attached to the side surface for holding a plurality of edible breath fresheners. Furthermore, the Examiner asserts that the breath freshening dispenser includes a hinged cover 6 for easily accessing the edible breath fresheners therein. Concerning the claim limitation of the dispenser being used

for edible breath fresheners, the Examiner cites M.P.E.P. § 2131.05.

This rejection is respectfully but strenuously traversed for the reasons set forth in detail below.

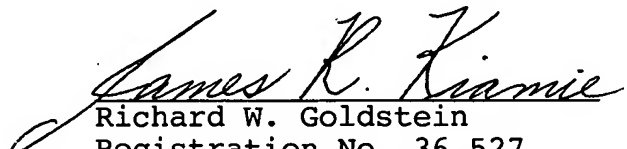
A rejection of a claim under 35 U.S.C. § 102(b) must anticipate each and every element of the claim in order for it to be proper. Whittaker fails to disclose every limitation of the claimed combination cigarette lighter and breath freshening dispenser. Thus, the Examiner's rejection of claims 1 and 4 as anticipated by Whittaker is improper.

Whittaker does not teach a combination cigarette lighter and breath freshening dispenser comprising a breath freshening dispenser attached to an external side surface of a cigarette lighter device, as recited in claim 1. Whittaker discloses a casing 1 with a main compartment that is covered by a lid 6. The main compartment is clearly a constituent part of the casing 1. Given that a first element cannot be both a constituent part of a larger second element and also be attached to the second element, and the previous discussion of the phrase "external side surface" recited in claim 1, Whittaker does not anticipate the invention of claim 1. Claim 4 depends directly from claim 1 and therefore contains all of its limitations. Consequently, claims 1 and 4 are patentably distinct from the cited reference.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection of claims 1 and 4 under 35 U.S.C. § 102(b), and enter the allowance thereof.

In view of the foregoing remarks, reconsideration and allowance of the pending claims are respectfully solicited. Please remove the rejection of claims 1 and 2 under 35 U.S.C. § 102(a) or 35 U.S.C. § 102(e), the rejection of claims 1-3 under 35 U.S.C. § 102(b) and the rejection of claims 1 and 4 under 35 U.S.C. § 102(b), and enter the allowance of pending claims 1-4. The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted, *Reg. No. 53,120*

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